

REMARKS

Claims 1, 5-7, 9, 13, 15, 16, 20, 23, 25, and 29 are amended. No claims are added or canceled. Claims 1-30 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claim Objections

Claim 15 is amended to correct the typographical error identified by the Examiner. The colon at the end of the claim is replaced by a period. Approval of the amendment is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103(a)

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0143434 issued to Greeven et al ("Greeven") in view of U.S. Patent Application No. 2002/0052760 issued to Munoz et al. ("Munoz"). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

Amended Claim 1 recites:

“A method of conducting a prescription renewal transaction, the method comprising:
transmitting a renewal request from a pharmacy site to a benefits management site;
receiving the renewal request from the benefits management site in-real time across a network pathway, the renewal request including prescription-related information added by the benefits management site;
transmitting the renewal request to a portable healthcare device to response to the renewal request; and
sending the response into the network pathway to the pharmacy site to fill the renewal.” (Emphasis Added)

Applicants submit that Greeven in view of Munoz at least does not teach or suggest the claimed “receiving the renewal request from the benefits management site, the renewal request including prescription-related information added by the benefits management site.”

Greeven discloses an on-line pharmaceutical ordering system that includes a physician's computer, a patient's drug delivery appliance, a pharmacy's computer, an insurance provider's computer, and a governmental agency's computer (FIG. 2). Greeven discloses that the insurance provider's and the governmental agency's computers monitor the on-line pharmaceutical transactions (paragraph 23). A refill prescription originated from the physician is sent to the pharmacy (paragraph 37, FIG. 4). The pharmacy may query the physician's computer to establish the validity of the order (paragraph 37). Greeven does not disclose a benefits management site that adds any information to a renewal request to be received by a healthcare provider. The Examiner relies on paragraphs 24 and 36-37 of Greeven for disclosing the claimed information received from a benefits manager. However, the cited paragraphs at most disclose a physician sending a refill prescription/request to a pharmacy. Thus, the refill request in Greeven is sent from a physician to a pharmacy, instead of from a pharmacy via a benefits management site to a physician as claimed.

Munoz is relied on for disclosing a portable healthcare device. However, Munoz also does not disclose a renewal request sending from a pharmacy via a benefits management site to a physician as claimed. Munoz at most discloses a physician receiving a refill request from a pharmacy and responding to that request. There is nothing in Munoz that teaches or suggests a benefits management site. Thus, Munoz does not cure the deficiency of Greeven.

Nothing in the cited references teaches or suggests a benefits management site that adds information to a renewal request to be received by a healthcare provider. Thus, the cited references, separately or combined, do not teach or suggest each of the elements of Claim 1.

Analogous discussions apply to Claims 1, 9, 16, and 25. Claims 2-8, 10-15, 17-24, and 26-30 respectively depend from Claims 1, 9, 16, 25 and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, Greeven in view of Munoz does not teach or suggest each of the elements of these dependent claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of Claims 1-30 are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Amber D. Saunders 7/12/06
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